

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION**

CHARLES D. SHEPHERD,

Plaintiff,

Case No. 3:10-cv-110

vs.

Judge Thomas M. Rose

**MICHAEL J. ASTRUE,
Commissioner of Social Security,**

Magistrate Judge Sharon L. Ovington

Defendant.

**ENTRY AND ORDER OVERRULING THE COMMISSIONER'S
OBJECTIONS (Doc. #22) TO THE MAGISTRATE JUDGE'S REPORT
AND RECOMMENDATIONS REGARDING THE COMMISSIONER'S
MOTION TO ALTER OR AMEND JUDGMENT; ADOPTING THE
MAGISTRATE JUDGE'S REPORT AND RECOMMENDATIONS (Doc.
#21) IN ITS ENTIRETY AND OVERRULING THE COMMISSIONER'S
MOTION TO ALTER OR AMEND JUDGMENT (Doc. #19)**

Defendant Commissioner of Social Security (the "Commissioner") has moved to alter or amend this Court's judgment remanding this case to the Social Security Administration for further proceedings. (Doc. #19.) On July 7, 2011, Magistrate Judge Ovington entered a Report and Recommendations recommending that the Commissioner's Motion To Alter or Amend be denied. (Doc. #21.) The Commissioner has objected to this Report and Recommendations (doc. #22) and Plaintiff Charles Shepherd ("Shepherd") has responded to the Commissioner's Objection (doc. #23). The Commissioner's Objection are, thus, ripe for decision.

As required by 28 U.S.C. §636(b) and Federal Rules of Civil Procedure Rule 72(b), the District Judge has made a de novo review of the record in this case. Based upon the reasoning

and citations of authority set forth in the Magistrate Judge's Report and Recommendations (doc. #21) and in the Commissioner's Objections (doc. #22) and Shepherd's Response, as well as upon a thorough de novo review of this Court's file, including the Administrative Transcript, and a thorough review of the applicable law, this Court adopts the aforesaid Report and Recommendations in its entirety and, in so doing, overrules the Commissioner's Motion To Alter or Amend Judgment. Finally, the above captioned case remains terminated on the docket records of the United States District Court for the Southern District of Ohio, Western Division at Dayton.

DONE and **ORDERED** in Dayton, Ohio, this Fifteenth Day of August, 2011.

s/Thomas M. Rose

JUDGE THOMAS M. ROSE
UNITED STATES DISTRICT COURT

Copies furnished to:

Counsel of Record